

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JOHN STETZY,)	CASE NO. 1:22-cv-01362
)	
Plaintiff,)	JUDGE DAVID A. RUIZ
)	
v.)	
)	
FIREWOOD UNLIMITED, INC.,)	
)	
Defendants.)	ORDER
)	

On October 12, 2022, Defendant Jason Humphrey, through counsel, filed a motion for leave to file an answer and counterclaim in this action, out of time, instant. (R. 6). The parties agree that an answer was due by September 8, 2022. (R. 6 & 7). On October 18, 2022, Plaintiff filed a brief opposing Defendant’s request for leave to answer out of time, raising several arguments, most notably that Defendant Humphrey “recklessly disregarded the effect of his conduct.” (R. 7, PageID# 43).

Though Defendant Humphrey’s response to being served with a summons and complaint is not a model of diligence, the declaration of his former counsel (R. 6-1) and his own declaration (R. 6-2) establish that Defendant Humphrey attempted to obtain representation in this matter not long after he was served and, upon learning that his former counsel could not represent him in the current matter, obtained new counsel within ten days.

A relatively short—approximately thirty day—delay, considered in light of “no pattern of

disregard for court orders or rules” and coupled with “the strong policy in favor of deciding cases on their merits outweighs any inconvenience to the court or [plaintiff].” *Shepard Claims Serv., Inc. v. William Darrah & Assocs.*, 796 F.2d 190, 194 (6th Cir. 1986).

Therefore, Defendant’s motion for leave to file an answer and counterclaim in this action (R. 6) is hereby GRANTED.

Defendant Humphrey is ordered to separately file his Answer/Counterclaim, initially filed as Exhibit 3 to R. 6, within three (3) days of this order. Any response to the Answer/Counterclaim shall comply with the Federal Rules of Civil Procedure and be due from the forthcoming date of filing.

IT IS SO ORDERED.

s/ *David A. Ruiz*

David A. Ruiz
United States District Judge

Date: October 19, 2022